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7 AUG 1979

MEMORANDUM FOR: Chairman, DCI Security Committee and Members

FROM: [redacted]  
Chairman, Unauthorized Disclosures  
Investigation Subcommittee

SUBJECT: Unauthorized Disclosures Investigations

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1. This memorandum sets forth for your information observations made during recent in-house investigations in [redacted] and offers for your consideration proposals aimed at corrective action or at facilitating and improving such investigations. [redacted]

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2. The issue of in-house investigations and FBI investigations merits attention.

Comment: There was some confusion as to authorities and precedents involved [redacted] in view of the Subcommittee's charge to coordinate departmental in-house investigations and a simultaneous request by the DCI to the Justice Department for an FBI investigation. The situation was resolved in initial phases by a Department of Justice request for our available information, including copies of reports of our investigation, as grounds on which to determine whether or not an FBI investigation would be authorized. [redacted]

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[redacted] Departments and

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agencies demonstrated willingness and capability to adequately investigate within their own element. The limits of investigative authorities to do in-house inquiries compels recognition that supplemental efforts are required to cover those areas of government in receipt of classified material over which the Intelligence Community has no jurisdiction. It is primarily in these areas that the FBI could aid the Intelligence Community. [redacted]

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Proposal: It is proposed that contact be made through the DCI's General Counsel with the Department of Justice during which agreement be worked out to:

a. provide to Justice copies of all reports of unauthorized disclosures and results of single or multiple agency in-house investigation, those they will not be asked to investigate as well as those they will;

b. adopt a standard criteria of what will be considered a leak of sufficient magnitude to warrant request for FBI supplemental investigative support (there has been discussion of some criteria already);

c. limit the request for FBI investigation to a supplementary role i.e., investigating where the Intelligence Community has no authority or supplementary in-house investigations in the event preliminary investigations provide reasonable indication of culpability and a decision is made by Senior Intelligence Officers to seek criminal prosecution. [redacted]

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3. There was indication in the course of the investigations of unevenness in degree of expertise in leak cases and of unevenness in reporting. [redacted]

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Comment: Leak investigations require a degree of specialization by investigators to allow them to conduct timely and thorough inquiry and to produce quality results. In this area, common training in and acquaintance with the Intelligence Community's way of doing business, the use of dissemination lists, special control procedures, compartmentation

programs, the practice of briefing, the various sources of in-house assistance available would all facilitate investigative efforts. The Committee Staff has volunteered to structure a 2-3 day course covering these aspects. In order to derive maximum benefit from such training, members should be willing to identify investigators who would normally be assigned to do in-house leak investigations as these may arise and make these officers available for training. In the matter of reporting, final and interim reports varied from short, one paragraph statements of conclusions to detailed reports including statements of interviews, and observations made by interviewers as to possible sources of leaks. The latter type report were of greater value in deliberation by the Justice Department whether or not the FBI should be tasked. [redacted]

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Proposal: It is proposed that members identify senior investigators they would normally task with in-house leak investigations, that they be made available for training in this specific discipline, that the Committee staff be requested to arrange a 2-3 day training session and that part of this training include determination of a standard reporting format. [redacted]

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4. There was indication that the Leak Data Base was not current. [redacted] were not in the computer. [redacted]

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Comment: In connection with the maintenance of the Leak Data Base, there is need to standardize the input efforts by participating departments and agencies and to develop this tool as a more beneficial asset, perhaps expanding the content or refining the data elements to serve investigative needs as well as management overview requirements. The CIA provides the maintenance of the data base as a service of common concern but member exchange is essential if it is to be of mutual value. [redacted]

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Proposal: It is proposed that CIA provide the identity of an individual who can serve as a point of contact and responsible officer to receive Community inputs and provide Community investigators with current information about leaks. [redacted]

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5. There were varying comments made during the investigation about document control procedures and procedures for documenting the growing use of personal briefings to transmit intelligence which may not be worthy of inclusion in the final report but which may find audience at senior levels. [redacted]

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Comment: While the DCID 1/11 requires that appropriate recommendations be made available along with the results of the investigation, there are some areas where it would be difficult to formalize as recommendations some of the observations made by investigators in connection with procedures for information control. For example, Security Officers are not normally associated or consulted on matters of dissemination, but there are some security related concepts that could be raised toward improving procedures for information control. There are some proposals attached that may apply in your element, some may not. With the growing concern at senior levels about leaks and discussion of ways to stop them being a current item of interest, you may find a receptive audience for some of the issues. [redacted]

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Proposal: That members review the attached for issues of possible value in looking at ways to stop leaks. [redacted]

6. While the investigation [redacted] it did afford demonstration of departmental capabilities and raised some issues which, if adopted, could facilitate subsequent leak investigations. It also offered the participating members opportunity to renew acquaintance with the scope of the problem and highlight or refocus on peripheral contributing issues that should be addressed. The Chairman of the Subcommittee would appreciate Committee Member comments and suggestions for ways to improve our efforts. [redacted]

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Attachment

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SUBJECT: Attachment to 7 August 1979 Memorandum to  
Chairman, DCI Security Committee and Members  
from Chairman, Unauthorized Disclosures Investigation  
Subcommittee.  25X1

The following items are offered for consideration as possible ways to stop leaks or assist in their investigation.

1. Determine what your agency publishes and keep records of what is published as unclassified and what is published as classified and at what level of classification.
2. Do a critical review of dissemination lists with your mail and courier people to learn the extent of use of "standard" dissemination list that haven't been reviewed for long periods.
3. Do a critical review of dissemination lists with publishing officials. Ask not only who gets the material but why. The "need-to-know" is not compatible with the "need-to-publish."
4. Propose that publishers request return of sensitive documents or certification of destruction by certain dates.
5. Ask for recertification of continued need by recipients of sensitive series materials not only for publications but also for numbers of copies requested.
6. Propose that publishers not use standard dissemination lists for series of documents. Request that a dissemination list be prepared for each publication.

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7. Propose that mail and courier personnel not be authorized to adjust (add to) dissemination lists on request by individual officers. All adjustments to original approved lists should be in writing and countersigned with both requesting official and intended recipient clearly identified by name and purpose.
8. Recommend that individual officers not be allowed to carry off copies of documents to authorized recipients without first registering the proposed delivery at a central mail and courier location. Propose publication of an internal directive to stop such unregistered deliveries.
9. Propose establishment of a central element to record all briefings on classified material provided out of house. Require that this element be the sole authority to ensure that clearance certification procedures are followed, and that Memorandum for the Record following briefings adequately describe what was covered and list the names of all attendees and any requests for documentary follow-up.
10. Propose that any officer assigned to participate in Community efforts be required to mark and control drafts copies as well as finished products. Encourage return or destruction certification of drafts when a finished document is produced or subsequential drafts are issued.
11. Propose that a document destruction day be declared within your department or agency. Too much information sits forgotten and filters to the bottom of the tray or back of the safe. Record what is destroyed or retired according to regulations.
12. Propose that each officer holding SCI material (particularly that provided against receipt) be required to manifest all his holdings and have this list stored in the component registry.
13. Encourage your component to support modernization through use of ADP in mail and registry efforts.
14. Require that all contacts with members of the mass media conducted at the office or over the telephone be documented and reported to the departmental Public Affairs Office or to some other central location.